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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,727	12/28/2000	Yoshi Ando	35 G2738	6781

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

ZIMMERMAN, GLENN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 02/12/2003

Please find below and or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,727

Applicant(s)

ANDO, YOICHI

Examiner

Glenn Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19, 22-41 and 44-46 is/are allowed.
- 6) ☐ Claim(s) 20, 21, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) 20, 21, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 28 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 103, Dox and Doy. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20, 21, 42 and 43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 42 recite the limitation "said face plate" in line 4. There is insufficient antecedent basis for this limitation in the claim.

A 112 2<sup>nd</sup> paragraph rejection has been determined for claims 20 and 42, as written about above. However, a further evaluation of the claim will be done while interpreting "said face plate" as "said second substrate".

Claims 21 and 43 rejected for depending from a rejected claim.

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***Allowable Subject Matter***

Claims 1-19, 22-41 and 44-46 are allowed.

Claims 20, 21, 42 and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 1, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an image forming apparatus including the combination of all the limitations as set forth in claim 1, and specifically the spacer having a length in the longitudinal direction thereof greater than that of the image forming member in the same longitudinal direction each longitudinal end of the spacer being arranged between the inner periphery of the support frame and a line through which passes an end of the conductive film each longitudinal end of the spacer being arranged between the inner periphery of the support frame and a line through which passes an end of the conductive film positioned in a side-by-side opposing relation to the outer periphery of the image forming member, wherein the line is substantially perpendicular to the principal surface of the second substrate could not be found elsewhere in prior art.

Regarding claims 2-21, claims 2-21 are allowed for the reasons given in claim 1, because of their dependency status on claim 1.

Regarding claim 22, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an image forming apparatus including the combination of all the limitations as set forth in claim 22, and

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specifically a first conductive film arranged on at least another portion of the principal surface of the second substrate facing the space, the first conductive film surrounding, and being spaced apart from, the image forming member, the conductive film being supplied with a potential lower than that applied to the image forming member a second conductive film connecting the first conductive film to the image forming member could not be found elsewhere in prior art.

Regarding claims 23-43, claims 23-43 are allowed for the reasons given in claim 22, because of their dependency status on claim 22.

Regarding claim 44, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an image forming apparatus including the combination of all the limitations as set forth in claim 44, and specifically a conductive film arranged on at least another portion of the principal surface of the second substrate face the space, the conductive film surrounding, and being spaced apart from, the image forming member, the conductive film being supplied with a potential lower than that applied to the image forming member, the spacer having a length in the longitudinal direction thereof greater than that of the image forming member in the same longitudinal direction, each longitudinal end of the spacer being arranged between the inner periphery of the support frame and a line through which passes an end of the conductive film positioned in a side-by-side opposing relation to the outer periphery of the image forming member, wherein the line is substantially perpendicular to the principal surface of the second substrate could not be found elsewhere in prior art.

Regarding claim 45, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a image forming apparatus including the combination of all the limitations as set forth in claim 45, and specifically a first conductive film arranged on at least another portion of the principal surface of the second substrate facing the space, the first conductive film surrounding, and being spaced apart from, the image forming member, the conductive film being supplied with a potential lower than that applied to the image forming member; and a second conductive film connecting the first conductive film to the image forming member could not be found elsewhere in prior art.

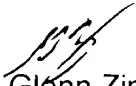
Regarding claim 46, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an image forming apparatus including the combination of all the limitations as set forth in claim 46, and specifically a conductive film arranged on at least another portion of the principal surface of the second substrate facing the space, the conductive film surrounding, and being spaced apart from, the image forming member, the conductive film being supplied with a potential lower than that applied to the image forming member, the spacer having a length in the longitudinal direction thereof greater than that of the image forming member in the same longitudinal direction, each longitudinal end of the spacer being arranged between the inner periphery of the support frame and a respective plane through which a corresponding end of the conductive film extends, wherein each respective plane extends substantially perpendicularly to the principal surface of the second substrate could not be found elsewhere in prior art.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.

  
Glenn Zimmerman  
January 31, 2003

  
ASHOK PATEL  
PRIMARY EXAMINER